

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

WP(C).No. 18156 of 2007(J)

PETITIONER:

1. KERALA STATE BEVERAGES CORPORATION,
SASTHAKRIPA OFFICE COMPLEX,
SASTHAMANGALAM P.O., THIRUVANANTHAPURAM-10,
REP.BY ITS SECRETARY.
2. THE BRANCH MANAGER,
KERALA STATE BEVERAGES CORPORATION,
NEAR MALAYALA MANORAMA,
IKKENDA WARRIER ROAD, THRISSUR.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

1. M.MADHAVAN, S/O.MADATH AMMINI AMMA,
PUTHURKKARA, AYYANTHOLE P.O., THRISSUR.
2. K.K.RAJAN, S/O.KUTTIPIRA KUTTAPPAN,
PARELAM, CHANAM, THRISSUR.
3. THE DISTRICT CONSUMER DISPUTES
REDRESSAL FORUM, REPRESENTED BY ITS REGISTRAR,
THRISSUR.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 13/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 18156 OF 2007

DATED THIS THE 13th DAY OF JUNE, 2007

JUDGMENT

The petitioner challenges Ext.P7 order of the Consumer Disputes Redressal Forum, Thrissur. On a query as to whether an appeal would lie under Section 15 of the Consumer Protection Act, the learned counsel for the petitioners would submit that for two reasons this writ petition is maintainable. First is that no appeal would lie under Section 15 of the Act and second is that Ext.P7 has been passed without jurisdiction.

2. Regarding the first question, I find that under Section 15 of the Act, any person aggrieved by an order made by the Consumer Disputes Redressal Forum is entitled to prefer an appeal against such an order. The contention of the petitioners is that the word 'order' is not preceded by the word 'any', but only by the word 'an' no appeal would lie against the present order, which is an interlocutory order. The learned counsel for the petitioners also submits that Sub Section 3 B of Section 13 came into effect only with effect from 15.3.03 and there is no consequent amendment in Section 15 which is a ground in support of his contention that no appeal would lie. I am of opinion that

even without an amendment, Section 15 authorises any person aggrieved by any order made by the Forum to prefer an appeal notwithstanding the absence of the word 'any' in the Section.

2. Regarding the second contention, the petitioners are free to raise the question of jurisdiction also before the Commission in the appeal, since I am not prima facie satisfied that the order is wholly without jurisdiction.

In the above circumstances, without prejudice to the right of the petitioner to file an appeal against Ext.P7 order this writ petition is dismissed. In order to enable the petitioner to move the Commission in appeal, I direct that further proceedings pursuant to Ext.P7 shall be kept in abeyance for a period of one week.

S. SIRI JAGAN, JUDGE

Acd

